

## **ZONING BOARD OF APPEALS**

### **SEPTEMBER 15, 2014 MEETING MINUTES**

**PRESENT:** Chairperson Ron Nolland, Maurica Gilbert, Connie Fisher,  
Scott DeMane, Kathy Latinville (Alt.) Karl Weiss, (Alt.)

**ABSENT:** Michelle LaBounty

**ALSO PRESENT:** Joseph McMahon, Building Inspector  
Kyle Burdo, Housing Code Inspector

Appeal #2004 Reverend Brooks  
Jesse Daniels, Daniels Signs

Appeals #2006 Chris & Tracy Rosenquest  
#2007 Frances Wright  
#2008 Peggy Degrandpre  
Dale Dowdle  
Heather Courneene  
Rick Perry  
Scott Aguglia  
John Linney  
Shannon

Appeal #2009 Mark Dame

Appeal #2010 Sandy Morley

Appeal #2011 David Stortz

Appeal #2012 Dennis & Beverly Casey

Appeal #2013 James Baker

Appeal #2015 Brian McBride  
Don Lee  
Aaron Ovios, RMS, PC

Appeal #2016 Aaron Ovios, RMS, PC

Mr. Nolland called the meeting to order at 7:03 PM. There are 12 items tonight and we have slightly changed the order of the proceedings. The Board will hear them in the following order.

#1 CV Christian Center  
#2, 3 and 4 Tracy Victory Rosenquest & Chris Rosenquest  
#5 Dennis Casey

#6	Bill McBride Chevrolet
#7	Dames Motorsports
#8	Kehoe and Morley
#9	Dave Stortz
#10	James Baker
#11	Tall Pines Estates

Garrands Motorsports will be postponed because their application is deemed incomplete and the board needs other financial information. Mark Dame was in attendance for this appeal. Mr. Nolland explained that building is owned by Premo/Meath. It's a Use Variance. With a Use Variance the financial information has to be from the owner, not the applicant. It has nothing to do whether they can survive without a service. It has to do with Hart/Premo has to demonstrate that they cannot get a reasonable return from that property etc. The Board will vote to postpone this appeal.

[Meter 4:07]

**MOTION:**

*By Ms. Gilbert, seconded by Ms. Fisher*

***TO POSTPONE APPEAL #2014 GARRANDS MOTORSPORT REGARDING 52 BOYNTON AVENUE AT THE BOARD'S REQUEST UNTIL THE OCTOBER 20<sup>TH</sup>, 2014 MEETING***

***ALL IN FAVOR: 5***

***MOTION PASSED***

Mr. Nolland advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. Six members were present tonight.

For each application, 3 positive votes are needed to carry any motion. The applicant has a right to postpone on Board's behalf one time

Tonight Mr. Nolland is within 500' of CV Christian Center. There are 5 members for voting so he does not need to waive the rule of voting. On Appeals #2006, 2007 and 2008, he is within 500'. Ms. Gilbert cannot vote because the owner is a client of hers. Mr. Nolland will vote on these appeals.

Mr. Weiss has to recuse himself for Appeal #2012 Dennis Casey.

Mr. Nolland is recusing himself from Appeal #2015- McBride Chevrolet because Mr. McBride is a client of his.

Mr. Nolland then turned the meeting over to Ms. Gilbert.

The below items were on tonight's agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
2004	CHAMPLAIN VALLEY CHRISTIAN CENTER 63 BROAD STREET	CLASS B VARIANCE SIGN NOT PERMITTED IN RESIDENTIAL DISTRICT
2006	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	SPECIAL USE PERMIT OPERATE A FIVE BEDROOM BED & BREAKFAST
2007	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	CLASS A VARIANCE PARKING DEFICIENCY DUE TO COFFEE SHOP
2008	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	CLASS A VARIANCE OPERATE A COFFEE SHOP IN A FIVE BEDROOM BED AND BREAKFAST
2009	DAME MOTORSPORTS INC. 289 CORNELIA STREET	SPECIAL USE PERMIT TO OPERATE MOTOR SPORTS SALES BUSINESS
2010	SALLY KEHOE AND SANDY MORELY 35 COGAN AVENUE	CLASS B VARIANCE REQUEST TO BUILD PORCH IN FRONT YARD SETBACK
2011	DAVID STORTZ 172 CORNELIA STREET	CLASS B VARIANCE REQUEST TO MAINTAIN PAVED AREA FRONT YARD SETBACK
2012	DENNIS CASEY 143 RUGAR STREET	SPECIAL USE PERMIT REQUEST TO MAINTAIN AN 8' FENCE
2013	JAMES BAKER 27 TOM MILLER ROAD	CLASS B VARIANCE REQUEST TO ERECT 6' FENCE
2014	GARRANDS MOTORSPORT 52 BOYNTON AVENUE	CLASS A VARIANCE REQUEST TO OPERATE RECREATION VEHICLE SALES & SERVICE IN INDUSTRIAL DISTRICT
2015	BILL MCBRIDE CHEVROLET 5101 US AVENUE	SPECIAL USE PERMIT REQUEST TO EXPAND CURRENT SPECIAL USE PERMIT
2016	TALL PINES ESTATES NEVADA OVAL EAST	SPECIAL USE PERMIT REQUEST TO ALLOW A PLANNED UNIT DEVELOPMENT

The **first** item on the agenda was Appeal #2004, Champlain Valley Christian Center, 63 Broad Street, for a Class B Variance for a sign not permitted in residential district.

[Meter 6:31]

Ms. Gilbert chaired this portion of the meeting.

This application was heard last month also. The board has already done the SEQR.

The applicant provided additional information on how the sign will look.

This request is to erect a free standing sign in a residential district larger than allowed. The applicant asked for 50 square feet. Allowed is 24 square feet.

Ms. Gilbert asked if the applicant had rethought the size. Mr. Brooks said at the last meeting, it would actually be 4 x 5 on each side, which makes the request for 20 square feet.

A temporary sign is currently out in front of the building.

Mr. McMahon added for clarification, the applicant is not allowed anything.

Ms. Gilbert explained under the current law, Churches are not allowed a sign even though it's an allowed use in the district. That is actually being fixed by the City Council. If we give a variance today, the maximum size is still 40 and the variance would be above and beyond the law as it exists now.

Ms. Fisher asked if the 4' x 5' included the 1' sign at the bottom. Mr. Brooks said yes. Mr. Daniels explained the sign face area is actually 4' x 4'. The base at the bottom of it is 1'. Technically the sign is actually 4' x 4' which is 16 sf, so it should be 32 sf. The sign will be internally lit and permanently landscaped.

#### PUBLIC HEARING:

Ms. Gilbert asked if anyone in the audience was interested in speaking to this appeal. [Meter 10:50].

Being no one spoke, the public hearing portion of meeting for this appeal was closed.

*MOTION:*

*By Mr. DeMane, seconded by Ms. Latinville*

*TO APPROVE APPEAL #2014, CHAMPLAIN VALLEY CHRISTIAN CENTER LOCATED AT 63 BROAD STREET, CLASS B VARIANCE FOR A SIGN NOT PERMITTED IN RESIDENTIAL DISTRICT FOR A 30 SQUARE FOOT MAXIMUM TOTAL SIZE, TOTAL SIZE WILL NOT CHANGE EVEN IF THE ZONING CHANGES TO ALLOW SIGNS UNLESS THAT AMOUNT IS GREATER THAN 32 SQUARE FEET, SIGN FACE IS 32 SQUARE FEET*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

Confirmation of votes:

Mr. DeMane said this was Broad Street.

Ms. Fisher thought it was tasteful.

Mr. Weiss the size being reduced was helpful and fits area.

Ms. Latinville said it was a nice change.

Mr. Daniels said there was a parking lot that frontage on the road. That is parking spaces and drive lane and then another 30' to the building. He stated he wanted to do something to mark the building. A wall building sign. Ms. Gilbert asked if he had any drawings or proposals. Mr. Daniels said this was last minute. Ms. Gilbert asked them to come back since they don't like to approve something not seen.

Mr. McMahon said directional signs are exempt from this whole process. Ms. Gilbert explained further. She believes the revised sign law will pass relatively soon and suggested to wait and see what it says. This request may not have to be heard.

The **next 3 items** on the agenda were for Tracy Vicory-Rosenquest and Chris Rosenquest, 92 Brinkerhoff Street as follows:

Appeal #2006	Special Use Permit	Operate Bed & Breakfast
Appeal #2007	Class B Variance	Parking Deficiency
Appeal #2008	Class B Variance	Operate Coffee Shop

[Meter 15:50]

Ms. Gilbert then recused herself from hearing these 3 appeals. Ms. Latinville then moved to table for voting purposes.

Mr. Nolland chaired these 3 hearings. They will not need a variance for the parking if you don't have the coffee shop.

Mr. Nolland explained the Special Use Permits (SUP) are uses that are allowed by law in the ordinance in the third column of the use table. All of them are a matter of right. They are listed in the table. When we talk about a SUP for a bed and breakfast, that is a matter of right. Something that is allowed in that district. Unless someone can say it materially affects the quality of life in the neighborhood and so different, it's pretty hard not to grant them.

As far as the parking, they now have a plan that shows parking is adequate within the setbacks and does not require a variance for open space. All the paving shown in the plan is allowed within the ordinance because it's within the setbacks. They aren't creating more and they have open space. That is the parking for the bed and breakfast.

The variance would be because if they do get the Class A variance, which is a use variance for the coffee shop, they are asking not to have to provide the spaces for the coffee shop, which is probably better because instead of creating more parking in the yard and more vehicle traffic, they are providing 6 spaces it would seem to be more conducive to walk in traffic as opposed to drive in traffic.

The issue is the use variance. For the use variance the applicant needed to provide information that said why she was not getting a reasonable return on her property. A list of items about the purpose price was provided.

Mr. Nolland reiterated the real issue the Class A Variance that drives the Class B Variance.

They started to go through the SEQR last month but was not approved. The Rosenquest's submitted 3 different SEQRs for each appeal.

Mr. Rosenquest advised they adjusted the size of the coffee shop to reduce it to 100 – 200 s.f. He stated this was a large range and within that range they would need to provide more parking – 1 space per 15 square feet but they did reduce it down based on the actual use of the coffee prep area, which they needed to expand. There is still some question for them whether they will actually use the family room.

Mr. Rosenquest thinks the coffee shop area will be around 100 – 125 sq. feet. Mr. Nolland said that would require 2-3 spaces.

Mr. DeMane asked about the change in the financials and what are they.  
[Discussion on financials, the outline, sale price, using a room for business office, capital expense toward chimney, removing maintenance fees. Meter 22:40 – 27:00]

The standard is whether or not the owner can get a reasonable return with an allowed use.

SPECIAL USE PERMIT, APPEAL #2006:

PUBLIC COMMENT:

Mr. Nolland then opened the meeting for audience comments. [Meter 28:00]

Mr. Augulia thought at the last meeting all 3 appeals would be approved at once. It would be all or none. He thought the big issue will be the coffee. Mr. Nolland advised this was the SUP – the bed and breakfast. Mr. Auglia said he understood but reiterated at the last meeting, they weren't going to go through with the bed and breakfast if the other one wasn't approved. Mr. Nolland stated the board can still approve a bed and breakfast for their. A SUP is a matter of right. It doesn't matter of what order the board does them. He then asked the board if they a preference on hearing these appeals. Mr. DeMane thought legally they had to Appeal #2006 because that drives them into the other appeals.

Mr. Rosenquest clarified they said the contract is contingent on the variances, not that they wouldn't pursue them.

Mr. Nolland then advised they would hear the SUP first and then asked if there were any public comments regarding the SUP for the applicant to a 5 bedroom bed and breakfast, which is a matter of right.

Mr. Aguglia asked about the paving and where it will be placed. Mr. Nolland said the applicant presented a scale drawing. It shows when coming in off Pleasant Street, there are 4 spaces to the right of the driveway and one to the left. None of the spaces are in the setback lines. The board cannot tell the applicant not to pave.

Shannon Tomo spoke about the pavers and water runoff. Mr. Nolland advised they are nowhere near the property line. They will get a Building Permit for the paving and the Building Inspector will make sure that they stay within the code. They are not asking for a variance of any kind regarding paving. They are providing all the green space and open space.

[Closed SUP Public Hearing, Meter 31:23]

The Long Form SEQR was discussed:

Page 10      d.      Change no to a yes. Add Senior Citizens Council.

Part 2 of the Long Form SEQR was discussed. [Meter 36:00]

**MOTION:**

*By Mr. DeMane, seconded by Ms. Fisher*

**FOR THE FULL ENVIRONMENTAL ASSESSMENT FORM, PART 2, THE BOARD FINDS THAT NO IMPACT MAY OCCUR THEREFORE THE ANSWERS 1-18 SHALL BE CHECK TO THE LEFT AS NO AND CONSEQUENTLY PART 3 THE BOARD FINDS THAT THE PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND THEREFORE AN ENVIRONMENTAL IMPACT STATEMENT NEED NOT TO BE PREPARED. ACCORDING, A NEGATIVE DECLARATION IS ISSUED**

**ALL IN FAVOR:      5  
(SUP FULL ENVIRONMENTAL FORM)**

Mr. Weiss questioned the size of the parking spaces. Mr. Rosenquest advised they would be 9' wide by 22' long, angled. Per drawing provided.

**MOTION ON SUP:**

*By Mr. Weiss, seconded by Mr. DeMane*

**FOR APPEAL #2006, SPECIAL USE PERMIT TO OPERATE A 5-BEDROOM BED AND BREAKFAST, THAT THE BOARD APPROVES THE SPECIAL USE PERMIT AS REQUESTED**

**ALL IN FAVOR      5**

**OPPOSED:      0**

**MOTION PASSED**



The **next** item on the agenda was Appeal #2008, Tracy Victory-Rosenquest and Chris Rosenquest for a Class A Variance to operate a coffee shop in a five bedroom bed and breakfast.

[Meter 42:43]

Mr. Nolland advised there will be a public hearing on this. The reason for this is the applicant wants to operate a coffee shop using the same facilities. What they are asking to use about 125 square feet for public contents. To further clarify the want to get a Class B Variance for parking deficiency to not supply parking for the coffee shop and only have the parking for the bed and breakfast use.

#### BOARD QUESTIONS:

Ms. Fisher asked how large the serving area would be. Mr. Rosenquest advised where people would come in and site, it would roughly be 120-125 s.f. and that would be the front room of the building. It would have 2-3 tables and maybe a couch. He thought maybe 20 people would be there at one time. Mr. Nolland said that area is 10 x 10. Mr. Rosenquest said they would not have 15-20 people at one time.

Mr. McMahon added he has to calculate that for the building code. 125 s.f. would be 8 people with tables and chairs.

Mr. Weiss asked about employees. Mr. Rosenquest said they would live on site and be the primary employees both for the bed and breakfast and coffee shop, with one other employee.

[Meter 47:33 – Discussion about employees, parking spaces for the coffee shop, serving food based on Clinton County rules, not a restaurant.]

#### PUBLIC HEARING FOR CLASS A VARIANCE:

John Linney questioned what was voted on previously (5 bedrooms) without the required parking. Mr. Nolland said no – it had all the parking needed for the 5 bedrooms, which is 6 spaces. Mr. Linney advised his drawing had 5 spaces. Mr. Nolland said one would be in the garage. Mr. Linney said it's not even close to being accurate. Further explanation by Mr. Linney. [Meter 52:32] Mr. Rosenquest explained he marked the property at 30', and the setback to the 25'. Mr. Linney stated it would have been nice if the applicant would have knocked on his door to verify the parking area. Mr. Linney is not against the bed and breakfast or the coffee shop. He just wants accurate information. Afternoon this weekend, after what used to be a bed and breakfast at 72 Brinkerhoff Street turned into a mayhem of thousand college kids. He couldn't even walk the street. He did file a complaint. Police Officers were chasing kids down the street. He doesn't want that all of a sudden being his next door neighbor. Mr. Nolland then said that's not a bad reason to have a bed and breakfast as opposed to college housing.

Mr. Nolland said the applicant is allowed to have a 5 bedroom bed and breakfast. The applicant has indicated the drawing is accurate. The Building Inspector will verify it. Mr. Rosenquest interjected that they did bring the former Building Inspector with them to help them measure. Mr. Nolland advised anything they vote on tonight is subject to this being accurate. If they can't fit the parking within the setbacks and within the open space, they have a problem.

Ms. Gilbert reminded the board to go through every single test listed for a Class A variance before you get to the point of voting.

Mr. Aguglia owns property directly across from the proposed coffee shop. As he mentioned last time, that part of the street is very quiet, except for 2:00 AM. Their greatest fear is that the coffee shop now becomes a bigger coffee shop or sell it to another company that has a bigger coffee shop and all of a sudden there is a 7-11 or Dunkin Donuts on the corner of his street. [Meter 57:09] They bought this home less than a year ago because this area is quiet.

Mr. Nolland reiterated the Class A Variance would be for a maximum 125 SF coffee shop. Mr. Aguglia said people would be parking in front of his house if there is not enough parking spots. He doesn't have that now. This is completely different as to what the neighborhood is now. He is afraid if this goes down this road, that's what is going to happen.

Mr. Nolland added if they change this in any way, they would have to come back to the Zoning Board. Shannon Tomo said she understood that but there already would be established the fact that they have 125 feet, why not give them more. Her biggest fear is it gets bigger and bigger and changes the landscaping of the entire neighborhood. It's her home now. She doesn't want it changed.

Mr. Rosenquest said the hours of operation would be 7:00 AM – 7:00 PM, Monday – Sunday. They have canvassed the neighborhood and collected signatures of support.

Mr. McMahon clarified they would need a variance if they wanted to parking within the front yard setback but the side-yard setback, which they indicated is 30' would not need a variance. If this plan is approved, that must be stipulated.

Mr. Nolland said the plan is for the SUP and the parking variance. [Discussion about the plan being accurate, setbacks, needing any variances, Meter 1:05.]

[Meter: 1:04 - Discussion by the board regarding 4 questions for the Class A Variance Use Variances criteria.]

- |                |   |
|----------------|---|
| Question #(1)  | Agrees the owner has a lack of reasonable return.   |
| Question #(2): | House is so big it's different than some homes in neighborhood. It's unique Ms. Parnes bought the property in a state of disrepair. Part of this question is hardship is unique due to disrepair of property. The board answered yes to this question but needs to be restated. |

- Question #(3)      Precedence discussed. Chuckwagon, Zukes discussion how long in neighborhood, changing the character of neighborhood. Appearance would not change character of neighborhood but does add something not residential. Major of neighborhood is residential but there is Zukes and Chuckwagon and a Laundromat.
- Question #(4)      Owner has been trying to sell as single family home but not been successful.

Mr. Nolland then asked the board have these 4 questions been answered properly.

Ms. Fisher said question #2 was not answered properly. Mr. Nolland thought it had. It is a unique property purchased from foreclosure. It's a big large house.

[Meter 1:13 Mr. Aguglia and Nolland discussed large 5 bedroom homes, other large homes not being sold, the coffee use and do they meet the 4 criteria for a use variance.]

Mr. DeMane had a problem with #4 – the idea of a 5 bedroom being diminished – that hasn't diminished over the past 20 years. It diminished over 40 years ago. He felt when she bought it the demand was about the same as now.

#### LONG FORM SEQR:

##### Part 1:

Page 10	E1(d)	Change no to yes.
Page 13		Need signature.
Page 13	(h)	Needs to be checked no.

##### Part 2:

Page 10	17.	Check no with small impact.
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[Meter 1:22:30]

#### MOTION:

*By Mr. DeMane, seconded by Ms. Latinville*

**THAT PART 2 OF THE FULL ENVIRONMENTAL ASSESMENT FORM, THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWERS FOR QUESTIONS 1-18 SHOULD BE CHECKED TO THE LEFT AS NO IMPACT AND ACCORDING FOR PART 3 AS A RESULT OF THAT QUESTION A THAT IT WILL BE CHECKED THIS PROJECT WIL RESULT IN NO SIGNFICANT ADVERSE IMPACTS ON THE ENVIRONMENT THEREFORE AN ENVIRONMENTAL IMPACT STATEMENT NEED NOT BE PREPARED. ACCORDINGLY THIS NEGATIVE DECLARATION IS ISSUED**

**ALL IN FAVOR**

The Board then went back to discuss Use Variances Criteria Questions.

[Meter 1:26 – 1:34]

Mr. Nolland asked the board if they had a problem with questions 1-4. Mr. Weiss didn't know if having it on the market for 1 year is a reasonable amount of time. Mr. Nolland advised this is the only offer she has had. List price is \$186,000.00. [Further discussion by the Board on Use Variances Criteria.]

Ms. Tomo said this would change the character of the corner of her street.

Mr. Nolland said the question is "would they meet the criteria or not for a use variance."

Ms. Latinville added when she came in to this meeting, she thought that it wouldn't change the character of the neighborhood but as she has listened to discussion, now she believes it would change the character of the neighborhood. There will be cups out there and foul language. Mr. Rosenquest added this will be a walk in – get your coffee and go home. This is not a hang out and party scene. He asked all to keep in mind they will be operating a bed and breakfast, which they will have to maintain some responsibility with the guest staying with them. This not a hangout spot for party kids, playing music. Ms. Latinville understood.

Mr. Nolland reiterated there are 4 criteria. Does the board think that this application meets these 4 criteria and deserves a use variance and asked for a motion.

**MOTION USE VARIANCE CRITERIA:**

*By Mr. DeMane, seconded by Mr. Weiss*

**VOTE ON DO WE AGREE WITH THE USE VARIANCE CRITERIA. A YES VOTE INDICATES THAT YOU AGREE THAT THEY HAVE MET ALL 4 OF THE ITEMS ON THE USE VARIANCE CRITERIA. A NO VOTE INDICATES THAT ONE OR MORE DO NOT MEET THE CRITERIA.**

YES: 1

NO: 4

Mr. Nolland voted yes because he thought they did. The other 4 members voted no. What this means is unless the applicant can prove you can meet all 4 of this the use variances criteria, the board cannot grant a use variance for a coffee shop. They still have the SUP for the bed and breakfast. For a use variance, you can come back with a different plan at any point. The applicant can't come back with the same exact plan.

Mr. Rosenquest asked for clarification of the votes. The hardship has not been self-created. The hardship is unique and that has been proven based on the financial impact. The hardship is unique based on the amount of dollars and the nature of the property. It's still not clear to him.

Mr. Weiss said no because he didn't feel 1 year of marketing a property and trying to sell it is significant amount of time. Another reason is the character of the neighborhood – he doesn't feel it would be a big change he does think changing the essential character of the neighborhood – he feels he has to say yes to that. It's not changing the appearance but there's a use there that wasn't there now. Mr. Rosenquest said even with Zukes. Mr. Weiss stated that was in place years ago.

Ms. Fisher felt the real-estate hasn't been on the market that long to create a hardship (#4).

Mr. DeMane agreed with both the above and hardship aspect of it hasn't been long enough. If you buy a 5 bedroom home it's not a saleable home like a 2 or 3 bedroom is. You know that up front. It's just the way it is in an area like this. Also the question of the zoning at the time.

Ms. Latinville agrees with all the above. She means no disrespect regarding the cups or any of that. She has had 2 kids. They bring kids. All she did for years is pick up after them. She is sure the applicants would maintain it beautifully but you can't be behind them every second. Also one year is not long enough. The building is beautiful and have a wonderful bed and breakfast but doesn't think the coffee part is going to work.

Mr. Nolland voted yes strictly having to do with the 4 questions because he didn't think that's a lack of reasonable return. He does think this has been for sale for a while and been trying to get out from underneath it. He thinks it's unique because it's a big old house that has had a lot of money spent on it. He doesn't think 125 s.f. coffee shop is long in traffic. He lives in the neighborhood and has college walking up and down the street all day long. He doesn't think he traffic will be increase or look any different than the outside. He doesn't think its self-created because the fact of the matter is the environmental finding and the environment in that area has change and the neighborhood has changed incredibly. It's got filled even more with college housing. College housing at times is not under control. He welcomes the idea in the neighborhood. He thought this would be a civilized way to have a cup of coffee and would be a good little business for the neighborhood. It would give a neighborhood feel.

Mr. Nolland reiterated the board only voted on whether the board agreed that the applicant met the criteria. They did not officially vote on a Class a variance. Or it can postpone it. Only the questions were voted on. He requested that the board postpone the Class A Variance in case they can come up with a way that can be demonstrated these criteria's can be met. He asked for "indefinitely."

**MOTION:**

***By Mr. Weiss, seconded by Mrs. Fisher***

***THAT THEY POSTPONE APPEAL #2008 AND 2007 ON THE BOARDS BEHALF  
INDEFINITELY UNTIL THE TIME THAT THE APPLICANT MIGHT WANT TO RETURN  
WITH ADDITIONAL INFORMATION***

***ALL IN FAVOR: 5***

[Meter 1:46:46]

The **fifth** item on the agenda was Appeal #2012, Dennis Casey, 143 Rugar Street for a Special Use Permit requesting to maintain a 8' fence.

Ms. Gilbert came back to the table, with Mr. Weiss moving into the audience.

Mr. Casey said he submitted a diagram with this application. The fence at the tallest area is 6'8". It's the rear fence.

Mr. Casey wants this fence 8' so he can get privacy and safety as making it uniform. Mrs. Casey clarified they just want to leave it alone.

Mr. Nolland asked if they wanted an 8' fence. Mr. Casey said yes they do because of the neighbor in the back. Ms. Gilbert asked if they would change it to an 8' fence. Mrs. Casey said no. Mr. Casey want to leave it as is with the option of having 8'.

Ms. Gilbert said an 8' is different. Mrs. Casey advised the neighbor would like a 10' fence.

A letter was read into the record from Shawn Bleau, 6 Lincoln Lane. [Meter 1:51:06]

Mr. Casey clarified it is not a dilapidated fence. It's a brand new fence only 2 years old, with pressure treated wood.

Mrs. Casey added the only reason this came up is the gentlemen behind them decided to talk his dog feces, his lumber and through it in-between the fence. When the City came, they had to remove their fence in order to poles in. We allowed them to do that. She spoke further. [Meter 1:52:40]

Mr. Casey said there is a 3' corridor for MLD to get through. What they've done is opened up their fence in 4 different places on their lot to allow them to get through.

Ms. Gilbert asked about a MLD right-of-way. Mr. McMahon explained MLD typically has allowed fences in that area in the past. Mr. Casey made concessions for MLD to easily get to it. There is not access for MLD so the Casey's have made their property available for MLD.

#### PUBLIC COMMENT:

Jill Aley spoke about the picture handed out and grading of the land.

Councilor Dale Dowdle (Ward 3) said both fences are in good shape. He doesn't know where the negativity came from.

Mr. Casey received his neighborhood's approval for this fence, with the exception of the gentlemen behind him.

Closed Public Hearing Portion for this Appeal.

LONG FORM SEQR REVIEW:

Page 2      C1      Will be checked no.  
                 C2a. Will be checked no.

The board agreed this is an unlisted action.

MOTION:

By Mr. DeMane, seconded by Ms. Gilbert

*IN REGARDS TO THE FULL ENVIRONMENTAL ASSESSMENT FORM, PART 2, THE LONG FORM, THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWERS TO QUESTIONS 1-18 SHOULD BE CHECKED TO THE LEFT AS NO AND AS A RESULT REGARDING PART 3, THE EVALUATION OF THE MAGNITUDE AND THE IMPORTANCE PROJECT IMPACTS DETERMINATION OF SIGNIFICANCE THAT WE CHECK THAT THE PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND THEREFORE AN ENVIRONMENTAL IMPACT STATEMENT NOT BE PREPARED. ACCORDINGLY, THIS NEGATIVE DECLARATION IS ISSUED*

ALL IN FAVOR      5

MOTION:

By Ms. Gilbert, seconded by Ms. Latinville

*REGARDING APPEAL 2012 DENNIS CASEY, AT 143 RUGAR STREET TO GRANT A SPECIAL USE PERMIT TO ALLOW THE FENCE TO BE UP TO 8' AND TO MAINTAIN THE EXISTING FENCE WHICH RUNS FROM 6' 2" – 6' 7".*

Mr. Nolland advised if the applicant decides to raise the fence, he will have to get a permit.

ALL IN FAVOR:      5

OPPOSED:              0

MOTION PASSED



The **sixth** item on the agenda was Appeal #2015, Bill McBride Chevrolet, 5101 US Avenue for a Special Use Permit to expand current Special Use Permit.

[Meter 2:09:17]

Mr. Nolland recused himself from hearing this appeal. Ms. Gilbert chaired this appeal. Ms. Latinville will hear this appeal as a regular member.

Ms. Gilbert said this lot will adjoin the existing lot. It will be incorporated into the deed. The applicant will not go over the proportions that are already allowed for prior permits when this is completed. Mr. McBride agreed.

Mr. Ovios said in 2010 they appeared in front of this board for the exact same thing for the lot just North of this. This is the exact same thing – taking down the building that has fallen into disrepair. Mr. McBride has purchased that and that will allow him to expand his limits of the dealership. The dealership is only permitted through a special use authorization. They are here tonight to add this piece of land into McBride's operations.

Ms. Gilbert said this was in full compliance.

There are many previous appeals for this property.

Mr. Ovios advised there is 1 new parcel. This is the merger of all the parcels together.

Ms. Gilbert read some of the August 18, 2014 letter into the record. [Meter 2:13:02]

This property is the former Joe's Tavern.

Mr. Ovios advised Joe's Tavern wood structure will be taken down and expanding the existing asphalt parking lot a little further to the South. It's a skinny lot only 30' wide. It will display one more row of vehicles. A site plan was prepared and was submitted to the Planning Board. The applicant will keep in character of the landscaping of U.S. Avenue and will extend it in front this property to clean up the area. No new lighting will be added. There are already existing light poles along that Northern property line.

Storm water will be directed onto their site where they currently already have a fairly in-depth ground water recharging system with pervious pavement. No run off will go toward neighboring lots.

The applicant will keep the driveways as they exist so there will be no access onto Route 9. This is relatively straight forward.

PUBLIC COMMENTS: [Meter 2:17:09]

There being none, Ms. Gilbert closed the public hearing portion for this appeal was closed.

LONG FORM SEQR:

Ms. Gilbert said C1 never gets answered correctly. It should be no. It's not an administrative or legislative action. She believes it should be no.

Page 2 of 13      C1      changed from yes to no.

Mr. DeMane then went through the Long Form SEQR questions. [Meter 2:19 – 2:34]

Ms. Gilbert then went through Part 2 of the SEQR. [Meter 2:34 – 2:36] and stated the board finds this to be an unlisted action, that they have filled in part 1, 2 and part 3.

MOTION ON SEQR:

By Mr. DeMane, seconded by Mr. Weiss

*REGARDING APPEAL 2015, PART 2 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, THE BOARD FINDS THAT NO IMPACT MAY OCCUR THEREFORE THE ANSWERS TO QUESTIONS 1-18 SHOULD BE CHECKED TO THE LEFT AS NO OR IN THE CASE OF IMPACT ON LAND, WE CHECKED YES BUT EVERYTHING BELOW IT NO OR SMALL IMPACT MAY OCCUR, CONSEQUENTLY THE BOARD DEEMS IT AN UNLISTED ACTION AND REGARDING PART 3, AS A RESULT OF THAT WE WILL CHECK A – THE PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND THEREFORE AN ENVIRONMENTAL IMPACT STATEMENT NEED NOT BE PREPARED. ACCORDINGLY THIS NEGATIVE DECLARATION IS ISSUED*

ALL IN FAVOR:      5

MOTION ON SUP:

By Ms. Latinville, seconded by Mr. Weiss

*TO APPROVE APPEAL #2015, BILL MCBRIDE CHEVROLET, 5101 US AVENUE FOR A SPECIAL USE PERMIT REQUEST TO EXPAND CURRENT SPECIAL USE PERMIT AND WILL COMPLY WITH THE 2010 REQUIREMENTS*

ALL IN FAVOR:      5

OPPOSED:      0

*MOTION PASSED*

Ms. Latinville then left the meeting (9:45 P.M.)

Mr. Nolland rejoined the meeting.

[Meter 2:40]

The **seventh** item on the agenda was Appeal #2009, Dames Motorsports, Inc. 289 Cornelia Street for a Special Use Permit to operate a motor sports sales business.

Mark Dame was present for this appeal.

Mr. Nolland stated again this is a matter of right.

Mr. Nolland asked if the applicant if he was only using it for displaying vehicles and not doing service work there. Mr. Dame said yes. Mr. Burdo advised 10 parking spaces are required.

The Long Form SEQR was submitted with this application. Mr. Weiss asked if the Long Form SEQR could be done faster. Ms. Gilbert said there are many things they could jump through since most answers are no impact.

Ms. Gilbert suggested not putting a limit on the amount of months granted. Mr. Dame agreed.

#### PUBLIC COMMENTS:

Being there were no public comments, the public hearing portion for this appeal was closed.

Mr. Nolland and Ms. Gilbert spoke about the long form SEQR with the following changes:

Page 2	B. c.	Should be yes ZBA.
Page 2	C.1.	Should be no.
	C.2.	Should be yes.
	C.2.b.	Should be no.
Page 3	C.3.a.	Should be yes

There will be no construction.

Ms. Gilbert said D.2. Project Operations whole section should be no.

Mr. Dame said there will be a banner in the window. Ms. Gilbert advised that constitutes a sign and please see the Building Inspector.

Part 2 of the SEQR was discussed.

MOTION ON SEQR:

*By Ms. Gilbert, seconded by Mr. DeMane*

**THAT THE BOARD FINDS IN SECTION 2 THAT THE ANSWERS TO QUESTIONS 1-18 ARE NO BECAUSE EITHER NO OR SMALL IMPACT MAY OCCUR AND AS A RESULT, THE BOARD CHOOSES TO CHECK BOX A THAT THIS PROJECT WILL RESULT IN NO SIGNFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND THEREFORE AN ENVIRONMENTAL IMPACT STATE NEED NOT BE PREPARED. ACCORDINGLY THIS NEGATIVE DECLARATION IS ISSUED FOR THIS UNLISTED ACTION.**

**ALL IN FAVOR: 5**

MOTION ON SUP:

*By Ms. Gilbert, seconded by Mr. Weiss*

**TO GRANT A SPECIAL USE PERMIT TO DAME MOTORSPORTS INC. 289 CORNELIA STREET TO HAVE A SPECIAL USE PERMIT TO OPERATE A MOTOR SPORTS SALES BUSINESS ACCORDING TO THEIR APPLCIATION AND HAVING NO VEHICLE MAINTENANCE OR REPAIR, AND ACCEPTING THAT IT'S OF AN UNLIMITED TERM, NOT LIMITED TO 6 MONTHS AS MENTIONED IN THE APPLICATION.**

**ALL IN FAVOR: 4**

**OPPOSED: 0**

**MOTION PASSED**

The **eighth** item on the agenda was Appeal #2010, Sally Kehoe and Sandy Morley, 35 Cogan Avenue for a Class B Variance requesting to build a porch in front yard setback.

[Meter 2:55]

Sandy Morley was present for this appeal.

Pictures of surrounding properties were submitted with this application.

Mr. McMahon advised the deviation is the front yard setback and not open space. The applicant is allowed 6' x 8'. The request is for 14' x 12'.

Ms. Morley advised the silver tree will have to be taken down. She explained further. [Meter 2:58]

Mr. Nolland advised the total amount requested is 168 s.f. and the applicant is allowed 48 s.f. The variance would be 120 s.f. Any variance discussed would be for 120 s.f. in excess of what is allowed.

Mr. DeMane asked if the whole porch is in the front yard setback. Mr. McMahon said yes. Mr. Nolland said in general all porches are in the front yard setback.

Mr. Weiss and Ms. Morley discussed the back deck.

This will be an open deck.

#### PUBLIC COMMENT:

Being none, the public comment period was closed for this appeal.

The Board discussed the neighboring decks surrounding 35 Cogan, comparison of, would applicant accept a smaller deck. [Meter 3:05:10]

#### SHORT FORM SEQR:

- |        |      |                   |
|--------|------|-------------------|
| Page 1 | 1.   | Check no.         |
|        | 2.   | Change no to yes. |
|        | 3.   | Is .17 acres      |
| Page 2 | 5(b) | Check no.         |
|        | 16.  | Check no.         |

Part 2 should not have been filled out by the applicant.

MOTION:

*By Ms. Gilbert, seconded by Mr. DeMane*

**REGARDING PART 2 OF THE SHORT FORM SEQR, THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWERS TO QUESTIONS 1-11 SHOULD BE CHECK TO THE LEFT AS NO OR SMALL IMPACT AND REGARDING PART 3 OF THE SHORT FORM SEQR, THE BOARD FINDS THAT BASED UPON THE SEQR FORM THE APPLICATION AND TESTIMONY HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THUS THE 2<sup>ND</sup> BOX WILL BE CHECKED.**

**ALL IN FAVOR: 5**

MOTION ON CLASS B VARIANCE:

*By Mr. DeMane, seconded by Ms. Fisher*

**TO APPROVED APPEAL #2010, APPLICANTS SALLY KEHOE AND SANDY MORLEY, AT 35 COGAN AVENUE, FOR A CLASS B VARIANCE TO EXPAND THEIR EXISTING FRONT PORCH INTO THE REQUIRED FRONT YARD, THE SIZE OF THAT PORCH TO BE 12' X 14' AS PROPOSED IN THE PLAN IN THE APPLICATION**

**ALL IN FAVOR: 3**  
**(Mr. Nolland, Ms. Fisher, Mr. DeMane)**

**OPPOSED: 2**  
**(Ms. Gilbert, Mr. Weiss)**

**MOTION PASSED**

Ms. Gilbert explained about the paper ballot voting. Years ago, when voting, there was pressure on the last person who sometimes was the deciding vote. So they then switched to paper ballots because that way you don't know what your neighbor is voting. You don't have a feeling of how the motion is coming down the table.

Ms. Gilbert explained she voted the way she did because a smaller request would have been more appropriate. She felt uncomfortable basing it on the nearby properties without knowing the actual history.

Mr. DeMane voted yes – he understood where Ms. Gilbert was coming from but he looked at the overall appearance of the neighborhood and it doesn't change the neighborhood because the same deck is right across the street.

Ms. Fisher agrees with Mr. DeMane

Mr. Weiss agreed with Ms. Gilbert.

Mr. Nolland said it was representative of the whole neighborhood.

The **ninth** item on the agenda was Appeal #2011, David Stortz, 172 Cornelia Street for a Class B Variance requesting to maintain paved area in front yard setback.

[Meter 3:16:18]

The provision appealed is 270-25 Parking.

Mr. Nolland discussed the Area or Dimensional Variances.

Mr. McMahon advised the County deemed this local issue.

Mr. Nolland said the problem with this application is the work has already been done and now you come for a variance. Mr. Stortz stated he has been parking there for so long and he progressed from parking on the grass and path to laying down stones like you're making a parking spot. I finally went to concrete and all of a sudden it's an issue. He had no idea he couldn't park there.

Mr. Stortz explained there was a sidewalk there from the porch and the path going in front of his house. What he did is double the path over to the driveway because he had been parking on the path and grass for over a year and no one ever cited him for anything. It's right up to the porch where the concrete has always been.

Ms. Gilbert questioned the spaces in front of his garage. Mr. Stortz said no. There is a basketball court put in years ago. The garage has a dirt floor garage and he does not use it for anything. He cannot park in front of the garage due to the driveway is too narrow between the neighbors fence and his property. They never even pull the cars up to the garage because it's too narrow. They have never used the driveway for parking because of the narrowness. It's a nuisance to parking behind each other.

The applicant has lived there 34 years.

PUBLIC COMMENT: [Meter 3:21:34]

Being there were no public comments, Mr. Nolland closed the public hearing portion for this appeal.

Mr. Nolland is concerned about the "afterwards" application. Mr. Stortz said the main issue for him is if someone saw this, why didn't they tell him it wasn't right. But they didn't notice it until the concrete was down. Mr. Nolland explained the board's position on the "afterwards" application after the work is done.

[Meter 3:24 – Discussion by the applicant and board about not parking on grass, been parking there for a year, permit applied for, the next person that comes along with the work already done, applicant not tearing out \$4400 worth of driveway, understanding the boards views on work without a permit, enforcement issues, precedence's of granting a request like this, neighbors fence being same location for years.]

SHORT FORM SEQR:

Page 1	#2	Change to yes.
Page 2	#5.a.b.	Changed to no.

*MOTION:*

*By Ms. Gilbert, seconded by Mr. DeMane*

*REGARDING PART 2 OF THE SHORT FORM SEQR THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWER TO QUESTIONS 1-11 SHOULD BE CHECK TO THE LEFT AS NO OR SMALL IMPACT AND REGARDING PART 3 OF THE SHORT FORM SEQR THE BOARD FINDS THAT BASED UPON THE SEQR, THE APPLICATION AND THE TESTIMONY HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THUS THE SECOND BOX SHOULD BE CHECKED.*

*ALL IN FAVOR: 5*

*MOTION ON CLASS B VARIANCE:*

*By Ms. Fisher, seconded by Ms. Gilbert*

*TO GRANT APPEAL #2011, 172 CORNELIA STREET A CLASS B VARIANCE TO PARK THE CAR IN THE CONCRETE PAD IN THE FRONT YARD*

*ALL IN FAVOR 3  
(Mr. Weiss, Ms. Fisher, Ms. Gilbert)*

*OPPOSED: 2  
(Mr. Nolland, Mr. DeMane)*

*MOTION PASSED*

Ms. Gilbert explained her vote.

Mr. DeMane voted no because he does not like the idea of parking in the front of a house.

Mr. Stortz added car jockeying is a pain.

Ms. Gilbert voted for it due to it's a small lot.

Mr. Weiss voted yes because we have granted similar variances in the past.

Mr. Nolland voted no mainly because he's afraid of dealing with next applicant that may want to put concrete in their front yard.

[Meter 3:38 – 3:42 Each board member further explained their votes.]



The **tenth** item on the agenda was Appeal #2013, James Baker, 27 Tom Miller Road for a Class B Variance to erect a 6' fence.

[Meter 3:43]

This request is for a 6' vinyl privacy fence. An email was received from Michael Provost, who lives behind Mr. Baker's property and 2 Summer Hill Court and did not have any issues with this appeal.

Mr. Baker explained how Mr. Provost has cleaned up the property but is now sorry for having so much open area. The existing vegetation is staying on the southeast corner. It's a 14' hedge. There is also a tree that is staying. The fence will come up to approximately 6' from the pole.

Mr. Baker explained the neighboring fences. He is here to request a 6' privacy fence.

**PUBLIC COMMENTS:**

Being no public comments, Mr. Nolland closed the public hearing portion for this appeal.

**SHORT FORM SEQR:**

**MOTION:**

*By Ms. Gilbert, seconded by Mr. DeMane*

**REGARDING PART 2 OF THE SHORT FORM SEQR THAT THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWER TO QUESTION 1-11 SHOULD BE CHECK TO THE LEFT AS NO OR SMALL IMPACT AND A MOTION REGARDING PART 3 OF THE SHORT FORM SEQR THAT THE BOARD FINDS THAT BASED UPON THIS SEQR FORM THE APPLICATION AND TESTIMONY HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ENVIRONMENTAL IMPACTS AND THUS THE SECOND BOX SHOULD BE CHECKED.**

**ALL IN FAVOR: 5**

**MOTION:**

*By Mr. Weiss, seconded by Ms. Gilbert*

**WITH RESPECT TO APPEAL #2013, THAT THE BOARD GRANT THE CLASS B VARIANCE TO JAMES BAKER AT 27 TOM MILLER ROAD TO ERECT A 6' FENCE ALONG THE REAR PROPERTY LINE**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

The **last** item heard was Appeal #2016, Tall Pines Estates, Nevada Oval East for a Special Use Permit requesting to allow a planned unit development.

[Meter 3:51:22]

Mr. Nolland again reiterated this is a SUP and a matter of right. The only item heard will be to allow a planned unit development. This is an 8 acre parcel. It's an allowed use. A SUP is a matter of right. The applicant meets all the area requirements.

Mr. Ovios stated he added a zoning table. It's unique because they have Route 9 and a loop so they have 3 fronts so they have to maintain 40' on all that. They have to maintain 50% open space and they are over 60 right now for lot coverage.

Separation between buildings for multiple principle structures. Based on the building length, it's about 125'. They will be 2 stories tall. They have to be a minimum of 62' apart, which basically they are looking at 26 drive aisles with 18 parking on the side, you get that number. He's gone through the bulk area requirements. Obviously this is step 1 of many.

He is going in front of the planning board for sketch plan on September 27<sup>th</sup>.

Some old pads are there from the old base housing. It's a previously developed parcel that had multi buildings on it. They are basically putting that back.

Each of the 7 buildings constructed over 2 phases. Each building will have 8 dwelling units in it. There is an equal number of 2 and 3 bedrooms. There are no one bedrooms.

They are providing off-street parking in accordance with the ordinance for all the dwelling units. We are NOT looking for any variances. This is step 1. We are proposing to keep this under the ownership of 1 parcel. [Meter 3:54:33] We received the threshold of 24 dwelling units on that one parcel so we need a special use permit to move forward with a Planned Unit Development.

Mr. Nolland asked if this will have multi principle structures. Mr. Ovios said yes.

Mr. Ovios stated the owner wants to keep this under one ownership. The community building was discussed as recreational/community meeting place so if he wants to build that little community, he is talking about some brick type entrance. He is trying to create that little community feeling. These will be rental properties.

There will be garages.

Mr. Ovios said this plan is conceptual at this point. The buildings will be 2 story. It will be balanced with natural stone.

**PUBLIC COMMENTS:**

Mr. Rick Perry said over the summer, this was legally conveyed to this parcel. This land was bought from CVPH. Mr. Ovios added actually it was from Meadowbrook Nursing Home. They were going to have a facility here.

**LONG FORM SEQR:**

Page 2	C1 should be checked no.
Page 7	k. should be checked yes. i. Add 56 home units ii. Add MLD.
Page 13	e. Change archeological Site to Historic District

Mr. Ovios added one of the items they are currently dealing with is we met with some of the Councilors. If you look across the street, the little landlocked piece of property is owned by the City of Plattsburgh. There is the bike path running along the railroad tracks there and there is no way to get to Nevada Oval to the bike path without crossing over our land. The discussions have continued with the Council to basically deed out this section and grant it to the City so now people can park and get to the bike path without trespassing across our property. [Meter 4:02:18]

This project will be multi-phased.

[Meter 4:07:18 – Part 2 discussed by the Board]

**MOTION ON LONG FORM SEQR:**

*By Ms. Gilbert, seconded by Mr. DeMane*

**THE BOARD FINDS FOR PART 2 OF THE LONG FORM SEQR THAT QUESTIONS 1-18 AFTER MUCH DISCUSSION ARE DECIDED TO BE ANSWERED NO OR SMALL IMPACT MAY OCCUR AND A RESULT OF THOSE ANSWERS THE BOARD FINDS THIS TO BE AN UNLISTED ACTION AND THAT IN PART 3, BOX A WILL BE CHECKED THAT THIS PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND THEREFORE AN ENVIRONMENTAL IMPACT STATEMENT NEED NOT BE PREPARED. ACCORDINGLY THIS NEGATIVE DECLARATION IS ISSUED**

**ALL IN FAVOR: 5**

Mr. Weiss suggested #1 to be yes. Ms. Gilbert agreed but in the end, it's yes but no or small impact will occur.

**AMENDED MOTION:**

**RECOGNIZING THE ANSWER TO PART 1 IS YES BUT EVEN THOUGH IT'S YES, NO OR SMALL IMPACT MAY OCCUR**

**MOTION ON SUP:**

*By Ms. Gilbert, seconded by Mr. DeMane*

**REGARDING APPEAL #2016, TALL PINES ESTATES ON NEVADA OVAL EAST TO  
ALLOW A SPECIAL USE PERMIT REGARDING A PLANNED UNIT DEVELOPMENT AS  
PROPOSED IN THE ATTACHED PLANS**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

**MINUTES:**

Change Page 2 – Ms. Gilbert does not own the property. Her client owns the property.

Page 3 – Public Hearing portion – Board suggested to put “no comments received.” Ms. Gilbert suggested opened and closed.

Change Page 10 at the top – one should be Class A and one should be Class B.

**MOTION:**

**TO APPROVE AUGUST 18, 2014 MEETING MINUTES AS MODIFIED ABOVE**

*By Mr. DeMane, seconded by Ms. Gilbert*

**ALL IN FAVOR**

**MOTION PASSED**

**MOTION TO ADJOURN:**

*By Mr. DeMane, seconded by Mr. Weiss*

**ALL IN FAVOR**

Meeting adjourned at 11:23 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew  
Secretary  
Zoning Board of Appeals